

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GENA DUCKWORTH, et al.,)
)
Plaintiffs,)
)
vs.) Case No. 4:03CV1696 RWS
)
ST. LOUIS METROPOLITAN POLICE)
DEPARTMENT, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before me on Plaintiffs' Motion to Compel [#42]. On June 20, 2005, I ruled on part of that motion, but I did not rule on the issue of whether Defendants should be compelled to produce Lt. Steven Harmon's Internal Affairs Division ("IAD") file. On July 28, 2005, I ordered Defendants to produce the IAD file for in camera inspection. I have completed the in camera inspection. I will grant the motion as to this issue, and I will order Defendants to produce Lt. Harmon's IAD file to Plaintiffs.

Plaintiffs argue that the file should be produced because it is reasonably calculated to lead to admissible evidence. Defendants argue that the file should not be produced because it is irrelevant and because it is protected from discovery by Missouri's Sunshine Law, Mo. Rev. Stat. § 610.021.

Defendants are incorrect that the file is protected from discovery in federal court. Under Missouri's Sunshine Law, certain public documents are closed to discovery "[e]xcept to the extent disclosure is otherwise required by law . . ." Mo. Rev. Stat. § 610.021. Under the Federal Rules, "Parties may obtain discovery regarding any matter, not privileged, that is relevant to the

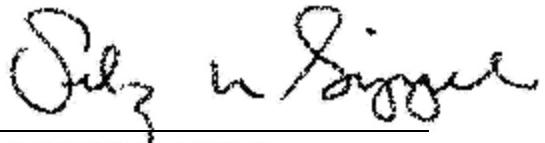
claim or defense of any party . . . Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.” Fed. R. Civ. P. 26(b)(1).

After reviewing the file, I find that the discovery appears reasonably calculated to lead to the discovery of admissible evidence, and therefore the Federal Rules compel the discovery of the files. As a result, the discovery is “otherwise required by law . . .” and is not protected by Missouri’s Sunshine Law.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs’ Plaintiffs’ Motion to Compel [#42] is **GRANTED** in part. Defendants shall submit the relevant portions of Lt. Harmon’s Internal Affairs Division file to Plaintiffs subject to the Protective Order entered July 27, 2005.

Dated this 4th Day of November, 2005.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE